

NH BOARD OF PHARMACY

PUBLIC MINUTES

MEETING CALLED TO ORDER AT 9:06AM

PRESIDENT CHARLES FANARAS PRESIDING

MEMBERS PRESENT:

ROBERT STOUT

MIKE BULLEK

HELEN PERVANAS

GARY MERCHANT

JOHN GENOVESE

ABSENT: HEATHER SHAMBARGER

1—PUBLIC MINUTES AUGUST 20<sup>TH</sup>, 2014 MOTION TO ACCEPT AFTER CORRECTING VOTE ON ITEM #8:  
COMMISSIONER MERCHANT SHOULD BE LISTED AS ABSTAINING:

MOTION: BULLEK SECOND: GENOVESE VOTE 6-0-1 (SHAMBARGER ABSENT)

2—COMPLIANCE REPORT; MOTION TO ACCEPT

MOTION: BULLEK SECOND: MERCHANT VOTE 6-0-1 (SHAMBARGER ABSENT)

3—BOARD OFFICER ELECTIONS: MOTION TO REELECT OFFICERS AS PREVIOUS: FANARAS-PRESIDENT;  
STOUT-VICE PRESIDENT; PERVANAS-SECRETARY; BULLEK-TREASURER;

MOTION: GENOVESE SECOND: MERCHANT VOTE 6-0-1 (SHAMBARGER ABSENT)

5—HYDROCODONE RESCHEDULING:

THE BOARD DISCUSSED THE DEA RULING TO RESCHEDULE HYDROCODONE PRODUCTS TO SCHEDULE II BUT ALLOWING RX'S WRITTEN PRIOR TO OCTOBER 6<sup>TH</sup> WOULD REMAIN AS SCHEDULE III AND COULD HAVE REFILLS HONORED FOR UP TO 6 MONTHS; DISCUSSION CENTERED AROUND THE ISSUES THIS WOULD CAUSE; MISINFORMATION AND UNDERSTANDING; SOFTWARE ISSUES THAT COULD PREVENT MANY SYSTEMS FROM KEEPING OLDER RX'S AS A SCHEDULE III; THE BOARD WELCOMED COMMENT FROM THE PUBLIC; WILLIAM IRVIN FROM OMNICARE WAS THE LONE DESSETER AS HE THOUGHT IN INSTITUTIONAL PRACTICE THIS MIGHT CAUSE SOME DISRUPTION FOR PATIENTS ON THESE DRUGS.

MOTION WAS MADE TO PASS AN EMERGENCY RULE THAT WOULD MAKE ALL HYDROCODONE PRODUCTS SCHEDULE II SUBSTANCES AS OF OCTOBER 6<sup>TH</sup> AND THEREFORE NO REFILLS WOULD BE ALLOWED ON EXISTING PRESCRIPTIONS

MOTION: STOUT SECOND: BULLEK VOTE 6-0-1 (SHAMBARGER ABSENT)

5—KNOWLES – RENEWAL APPLICATION WITH DISCIPLINE:

MOTION TO MOVE TO NON-PUBLIC

MOTION: BULLEK SECOND: MERCHANT VOTE: 6-0-1 (SHAMBARGER ABSENT)

6—HENSCHKE—RENEWAL APPLICATION (TECH) WITH DISCIPLINE

MOTION TO MOVE TO NON-PUBLIC

MOTION: BULLEK SECOND: GENOVESE VOTE: 6-0-1 (SHAMBARGER ABSENT)

7—PMP MANAGER MICHELLE RICCO-JONAS PRESENTED 2 ITEMS TO THE BOARD FOR REVIEW AND APPROVAL;

(A) MOTION TO APPROVE THE LETTER THAT WILL BE SENT TO REGISTRANTS INFORMING THEM OF POTENTIAL ISSUES WITH PATIENTS AND ASKING FOR THEM TO REVIEW; THE BOARD REQUESTED THE REPLACEMENT OF REFERENCE TO THE BOP BE CHANGED TO THE PMP

MOTION: BULLEK SECOND: GENOVESE VOTE 6-0-1 (PENDING LEGAL REVIEW OF CONTENT)  
(SHAMBARGER ABSENT)

(B) MOTION TO ACCEPT THE REVIEW OF LIABILITY AND TRAINING GUIDE:

MOTION: BULLEK SECOND: GENOVESE VOTE 6-0-1 (SHAMBARGER ABSENT)

8—NR PHARMACY—PRIME AID:

MOTION TO GRANT LICENSE:

MOTION: STOUT SECOND: PERVANAS VOTE 6-0-1 (SHAMBARGER ABSENT)

9—NR PHARMACY—PENTEC HEALTH (STERILE COMPOUNDER)

TABLED PENDING RECEIPT OF MASSACHUSETTS INSPECTION REPORT

10—50 YEAR GOLD CERTIFICATE

MOTION TO GRANT A 50 YEAR GOLD CERTIFICATE TO WILLIAM KEEFE;

MOTION: BULLEK SECOND; MERCHANT VOTE 6-0-1 (SHAMBARGER ABSENT)

12—LYNN KIRSCH: REQUEST FROM APU TO ACCEPT NOTICE OF HEARING

BOARD DISCUSSED THAT THIS CASE WAS REFERRED TO LAW ENFORCEMENT AND MS KIRSCH DOES NOT CURRENTLY HOLD A TECHNICIAN LICENSE; APU HAS RECOMMEND THE BOARD MOVE FORWARD WITH NOH TO TAKE ACTION RETROACTIVELY AGAINST LICENSE FOR THE RECORD;

MOTION TO PROCEED WITH NOTICE OF HEARING;

MOTION: BULLEK SECOND: MERCHANT VOTE 6-0-1 (SHANBARGER ABSENT)

13—LISHA PATEL—WAIVER REQUEST FOR EXTENSION OF NAPLEX TIME LIMIT;

MOTION TO DENY REQUEST;

MOTION: STOUT SECOND: BULLEK VOTE: 3-3-1 (PERVANAS, MERCHANT, GENOVESE AGAINST) MOTION FAILS

MOTION TO EXTEND THE DEADLINE THRU THE END OF THE YEAR BUT REQUIRE MS PATEL RETAKES THE MPJE AS WELL;

MOTION: PERVANAS SECOND: MERCHANT VOTE 6-0-1 (SHAMBARGER ABSENT)

14—KAREN BARRONE---WAIVER REQUEST FOR ORIGINAL LICENSE FOR NH TRANSFER;

MOTION TO DENY REQUEST;

MOTION: GENOVESE SECOND: BULLEK VOTE: 6-0-1 (SHAMBARGER ABSENT)

15—WAIVER REQUEST FOR DRUG TAKE BACK PROGRAM'

MOTION TO GRANT WAIVER;

MOTION: BULLEK SECOND: GENOVESE VOTE: 4-2-1 (STOUT, FANARAS AGAINST) (SHAMBARGER ABSENT)

16—REVIEW AND ADOPT THE PROOF COPY OF THE 900 RULES

MOTION TO ACCEPT PROOFED VERSION;

MOTION: BULLEK SECOND: STOUT VOTE: 6-0-1 (SHAMBARGER ABSENT)

17—REVIEW AND APPROVE BOARD RESPONSE TO JLCAR'S PRELIMINARY OBJECTION RESPONSE TO THE 800 RULES;

BOARD REVIEWED CHANGES TO 800S AND DID FURTHER REVIEW OF PT1 AND PT2 APPLICATIONS MAKING SEVERAL CHANGES TO THE DOCUMENT;

MOTION TO ACCEPT THE CHANGES TO THE RULES AND THE PT1 AND PT2 APPLICATIONS AS AMENDED;

MOTION: BULLEK SECOND: GENOVESE VOTE: 6-0-1 (SHAMBARGER ABSENT)

18—REVIEW BOARD RESPONSE TO JLCAR'S PRELIMINARY OBJECTION RESPONSE TO THE PH 1600 RULES:

BOARD REVIEWED CHANGES TO THE RULES MADE TO MEET OLS COMMENTS AND AMENDED THE  
INTERN APPLICATION;

MOTION TO ACCEPT THE BOARD'S CHANGES TO THE 1600S AND APPLICATION AS AMENDED:

MOTION: PERVANAS SECOND: BULLEK VOTE: 6-0-1 (SHAMBARGER ABSENT)

BOARD WENT IN TO NON-PUBLIC SESSION AT 11:15AM

BOARD CAME BACK INTO PUBLIC SESSION AT 1:10PM

19—KNOWLES RENEWAL WITH DISCIPLINE

MOTION TO DENY REQUEST;

MOTION: BULLEK SECOND: GENOVESE VOTE: 6-0-1 (SHAMBARGER ABSENT)

20—HENSCHKE RENEWAL WITH DISCIPLINE

MOTION TO DENY REQUEST;

MOTION: MERCHANT SECOND: STOUT VOTE: 5-1-1 (PERVANAS AGAINST) (SHAMBARGER  
ABSENT)

MOTION TO ADJOURN AT 1:14PM

MOTION: BULLEK SECOND: MERCHANT VOTE: 6-0-1 (SHAMBARGER ABSENT)